

**Notice of Allowability**

Application No.

10/657,902

Examiner

Necholus Ogden

Applicant(s)

LOPES, JOHN A.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9-3-04.
2. ☒ The allowed claim(s) is/are 22-40.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 9-3-04 .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

Necholus Ogden  
Primary Examiner  
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**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Arnold Weintraub on August 31, 2004.

The application has been amended as follows:

In the specification under "Cross reference to related applications"

Paragraph 001, line 2, after "2001," insert therefore ----now U.S. Patent No. 6,617,290----;

This listing of claims will replace all prior versions of claims in the Application:



Claims 1 -21 (Cancelled)

22. (New) A method for cleaning and sanitizing food and food - contacting surfaces, comprising:

contacting the food or food-contacting surface with a cleaning and sanitizing composition having microbicidal properties, the composition comprising:

- (a) a mixture of at least two or more acidifying agents, the at least two acidifying agents being a mixture of lactic acid and phosphoric acid;
- (b) at least one anionic surface active agent;
- (c) at least one sequestering agent, and

wherein the ingredients are generally regarded as safe and/or allowed by the U.S. FDA for use on food, the composition being at a pH of 5.0 or below.

23. (New) The method of claim 22 wherein the composition further comprises at least one solubilizing agent.

24. (New) The method of claim 22 wherein the acidifying agent further includes at least one compound selected from the group consisting of acetic acid,

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- adipic acid, ascorbic acid, benzoic acid, citric acid, dehydroacetic acid, erythorbic acid, fumaric acid, glutaric acid, gluconic acid, hyaluronic acid, hydroxyacetic acid, malic acid, sorbic acid, succinic acid, tannic acid, tartaric acid, sulfuric acid, nitric acid, hydrochloric acid, sulfamic acid, carboxylic acid polymers, homo- or hetero-polymerized carboxylic acid such as poly lactic acid or poly lactic- glycolic acid; or mixtures thereof.

25. (New) The method of claim 22 wherein the ratio of lactic acid to phosphoric acid are present in respective gram percentages varies between 60:0 to 0:40.

26. (New) The method of claim 25 wherein the anionic surface active agent is at least one compound selected from the group including salt or acid forms of anionic surfactants with at least one hydrophobic group and at least one hydrophilic group.

27. (New) The method of claim 26 wherein the at least one hydrophobic group of the surfactant is at least one of substituted or unsubstituted n-alkyl, n-alkenyl, n-alkylbenzyl, or monomethyl and/or dimethyl naphthalene group with the length of the alkyl chain equivalent to 6 to 16 carbon atoms.

28. (New) The method of claim 26 wherein the at least one hydrophilic group has at least one constituent selected from monocarboxylic, dicarboxylic, sulfate, sulfonate, phosphate and phosphonate groups.

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29. (New) The method of claim 26 wherein the anionic surface active agent includes at least one of sodium dodecylbenzene sulfonate, sodium alpha olefin sulfonate, sodium dioctyl sulfosuccinate, sodium decyl lactylate and mixtures thereof.

30. (New) The method of claim 22 wherein the surface-active agent is present in an amount between 0.001% to 50% w/w.

31. (New) The method of claim 22 wherein the sequestering agent is at least one of citric acid, EDTA, sodium acid phosphate, calcium citrate, calcium diacetate, calcium hexametaphosphate, monobasic calcium phosphate, disodium phosphate, isopropyl citrate, monoisopropyl citrate, potassium citrate, sodium citrate, sodium gluconate, sodium hexametaphosphate, sodium phosphate, sodium pyrophosphate, tetrasodium pyrophosphate, sodium tripolyphosphate, stearyl citrate.

32. (New) The method of claim 22 wherein the sequestering agent is sodium acid pyrophosphate present in an amount between 2% and 10% w/w.

33. (New) The method of claim 22 wherein the solubilizing agent is at least one of water, ethyl alcohol and propylene glycol.

34. (New) A method for cleaning and sanitizing food and food - contacting surfaces, comprising:

contacting the food or food - contacting surfaces with an acidifying mixture of agents, each agent or the mixture being:



- (a) an acidifying agent of at least a mixture of lactic and phosphoric acid, the mixture being generally regarded as safe and/or allowed by the US FDA for use on food;
- (b) at least one anionic surface active agent, present in an amount between 0.001% to 50% w/w, the agent being a compound generally regarded as safe and/or are allowed by the US FDA for use on food;
- (c) at least one sequestering agent, the sequestering agent being a compound generally regarded as safe and/or allowed by the US FDA for use on food; and
- (d) at least one solubilizing agent, the solubilizing agent being a compound generally regarded as safe and/or are allowed by the US FDA for use on food.

35. (New) The method of claim 34 wherein the acidifying agent includes at least one other compound selected from the group consisting of acetic acid, adipic acid, ascorbic acid, benzoic acid, citric acid, dehydroacetic acid, erythorbic acid, fumaric acid, glutaric acid, gluconic acid, hyaluronic acid, hydroxyacetic acid, malic acid, sorbic acid, succinic acid, itannic acid, tartaric acid, sulfuric acid, nitric acid, hydrochloric acid, sulfamic acid, carboxylic acid and polymers, homo- or hetero-polymerized carboxylic acid such as poly lactic acid or poly lactic- glycolic acid; and mixtures thereof.



36. (New) The method of claim 35 wherein the ratio of lactic acid to phosphoric acid in respective gram percentages varies between 60:0 to 0:40.

37. (New) The method of claim 36 wherein the anionic surface active agent is at least one compound selected from the group including salt or acid forms of anionic surfactants with at least one hydrophobic group and at least one hydrophobic group, the at least one hydrophobic group of the surfactants is at least one of substituted or unsubstituted -alkyl, n-alkenyl, n-alkylbenzyl, or monomethyl and/or dimethyl naphthylene group with the length of the alkyl chain equivalent to 6 to 16 carbon atoms, the at least one hydrophilic group has at least one constituent selected from monocarboxylic, dicarboxylic, sulfate, -sulfonate, phosphate and phosphonate group.

38. (New) The method of claim 37 wherein the anionic surface active agent includes at least one of sodium dodecylbenzene sulfonate, sodium alpha olefin sulfonate, sodium 2-ethyl hexyl sulfate, sodium lauryl sulfate and mixtures thereof.

39. (New) The method of claim 36 wherein the sequestering agent is at least one of citric acid, EDTA, sodium acid phosphate, calcium citrate, calcium diacetate, calcium hexametaphosphate, monobasic calcium phosphate, disodium phosphate, isopropyl citrate, monoisopropyl citrate, potassium citrate, sodium citrate, sodium gluconate, sodium hexametaphosphate, sodium phosphate, sodium pyrophosphate, tetrasodium pyrophosphate, sodium tripolyphosphate, stearyl citrate.

40. (New) A method for lubricating surfaces in food manufacturing and processing industries, comprising:

applying to the surfaces a composition comprising:

- (a) a mixture of at least two or more acidifying agents, the at least two acidifying agents being a mixture of lactic acid and phosphoric acids;
- (b) at least one anionic surface active agent;
- (c) at least one sequestering agent, and

wherein the ingredients are generally regarded as safe and/or allowed by the USFDA for use on food, the composition being at a pH of 5.0 or below.

2. The following is an examiner's statement of reasons for allowance: The Lopes reference does teach or suggest a method for cleaning food stuff and food surfaces lubricating said surfaces. Therefore, in view of the amendments, the claims are allowable over the art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Necholas Ogden whose telephone number is 571-272-1322. The examiner can normally be reached on M-T and Th-Fri.

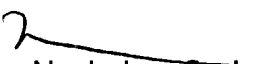
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316.



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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Necholus Ogden  
Primary Examiner  
Art Unit 1751

No  
9-3-04